

*Globe: A Journal of Language, Culture and Communication*, 6: 4-18 (2018)

## Unpacking the concepts of stability, democracy and rights

*Florence Indede, Maseno University*

*Inger Lassen, Aalborg University*

*Charles Okumu, Gulu University*

**Abstract:** This article prepares the ground for contributions included in the special issue by unpacking the concepts of stability, democracy and rights, which are included in the overall theme. It is concerned with how these concepts have been defined in the literature and how they relate to issues of potential threat to stability in fragile post-conflict communities. The purpose of the article is to add more insight into how war and conflict may disrupt the everyday practices of communities, and what possibilities or constraints citizens may be facing when dealing with the challenges in the aftermath of war and conflict. In the article we open up to a discussion of democratic lapses and how this may jeopardize legitimation of the state, focusing in particular on the specific situations of Kenya, Uganda and Nepal. We argue that to guarantee stability and rights, there is a need for developing new forms of democracy that find a balance between state autocracy and citizen involvement through good governance. We further argue that citizens have collective agency and are capable of developing new strategies for survival. The article is organized as a literature study of key concepts.

**Keywords:** Post-conflict areas, stability, democracy, rights, mobility.

### 1. Introduction

Break. We want to break. We want to create a different world. Now. Nothing more common, nothing more obvious. Nothing more simple. Nothing more difficult (Holloway 2010: 3).

The epigraph by Holloway pre-empted the contents of articles that reflect deficits of stability, democracy and rights, focusing on issues relating to post-conflict zones in Kenya, Uganda and Nepal. It succinctly summarises an endeavour by the MAGAART partner universities to strengthen awareness of the nature of inequality and to provide better opportunities through education, research and knowledge dissemination. In what follows we first define the three thematic concepts from a general perspective. We then narrow the conceptual scope to contexts of relevance to the studies presented, situating the articles in the post-conflict contexts from where they originate. Seeing that the thematic concepts inevitably intersect and to some extent overlap, the aim of this article is to add overarching perspectives to the wide-ranging mosaic of texts and issues discussed in this volume by bringing to the fore some fundamental challenges facing the global community of which we are all members – challenges that are here scaled down to specific cases situated in post-conflict contexts.

### 2. The concept of stability

Literature on stability and its cognate, instability, offers many overlapping definitions. Common to these definitions seems to be that they focus primarily on the role of societal structures and state functionality. Stability is seen as a state of absence of violence and as ‘absence of structural change’ (Hurwitz 1973, cited in Margolis 2010). Margolis further suggests that an object is stable for as long as it retains those elements by which it is defined, or ‘as long as its structure remains sound’. Indicators of stability may include *state functionality*, for instance the state or government meeting its obligations and responsibilities by providing security, opportunity, and public services to its

citizens. Ciumara (2016) provides several distinct approaches of political stability (Hurwitz, 1973; Dowding and Kimber, 1983): These are: Stability as absence of violence, Stability as governmental longevity or resilience, Stability as existence of a legitimate constitutional order, Stability as absence of structural changes, Stability as multifaceted societal attribute and Stability as behavioural pattern. Survival and stability of the structures depend on the effectiveness and efficiencies of the structures put in place. Heslop points out that despotic monarchies, militarists regimes other authoritarian and totalitarian political systems have survived without major political breakdowns. “The key to their success is their ability to control social development, to manage and prevent change, and to control all the government forces that may result in innovations that are threatening the system” (Heslop n.d.: 18). Stability is thus preconditioned by the presence of a number of factors without which *instability* would occur, to which the articles of this volume testify.

Kolstad gives three levels of defining political instability,

A first approach is to define it as the propensity for regime or government change. A second is to focus on the incidence of political upheaval or violence in a society, such as assassinations, demonstrations, and a third approach focuses on instability in policies rather than instability in regimes (i.e., the degree to which fundamental policies of, for instance, property rights are subject to frequent changes) (Kolstad 2008: n.p.).

The political rating of stability and or instability takes into account socio-economic conditions, internal conflicts which include ethnic and religious tensions, external conflict and democratic accountability, and quality of bureaucracy, political fragility, and loss of government control leading to fragmentation of social norms, law and order. As expounded by Heslop, economic crises not only exert pressure on material scarcity but could also pose a threat to individual positions.

According to Ciumara (2016), Alesina, Ozler, Roubini and Swagel (1992) define political instability as the inclination towards the change of the executive power using constitutional or unconstitutional means. Borrowing from Heslop’s views (n.d.; 17), when “institutional structures and processes fail to resolve conflicts and implement acceptable policies”, ceasing to respond to groups and individual demands, the result would be political or social instability. To contextualize this state, a case in point is Nepal which has witnessed chronic political instability in the last three decades affecting badly its economy and development (Sharma 2001). The country has not only suffered violent civil wars, but devastating earth quakes. India and China’s competing policies have to a large extent contributed to Nepal’s instability. In analysing the political situation in Nepal, Dahal (2008) denotes that the mass movement of April 2006 in Nepal sought a restoration of peace through legislation and democratic movement to end a ten year armed conflict. A restoration of hope to manage change in the system of governance for political stability and development was vested in the new constitution, and an inclusive state responsive of social diversity and sustainable peace was seen as the compromise solution among all political forces Dahal (2008). The ruling party announced substantive structural reforms which included civilian control of Nepal Army (NA), nationalization of royal property, empowerment of the Premier as head of state, abolition of the national unification day and inclusivity of marginalized groups in the Constituent Assembly. Irrespective of such elaborate structural reforms “the political transition has remained highly turbulent” (2008: n.p), hindering efforts for cultural, social, economic and political transformation needed to establish a democratic government. The weakness of state institutions gave rise to the marginalized groups, Dalits (a so-called untouchable underclass). However, as noted by Dahal (2008) “While the mainstream parties have interest in restructuring the state, the social forces

favour restructuring political parties to expand the social base of politics”. Heslop (n.d.) further explains that “the fundamental causes of such failures appear to be the lack of a widespread sense of legitimacy of the state authority”. A point of reference is Tilak Biswakarma’s article (this volume) which discusses the extent to which Dalits have been discriminated against and denied documentation of land ownership. Such discrimination invariably weakens state legitimacy and might eventually lead to political instability, depending on the ability of a marginalized group “to expand the social base of politics”.

In a similar vein, Madhusudan Subedi and his co-authors (this volume) give an interesting scenario on dynamics of state legitimacy arising from a situation when Maoist insurgents took the lead in road construction work, thus providing a service that had not been delivered by the state. The road was constructed in collaboration with citizens, who worked under oppressive working conditions imposed. The Maoists gained legitimacy from delivering a service, but in the end lost legitimacy to the state due to the hardship imposed by the Maoists.

These examples indicate that although at a glance stability and instability would appear to be antithetical, the picture is more complex and thus difficult to pin down to one definition. Stability will be sustained as long as the formal roles and structures set by authorities match those constructed by informal social interaction. However when either set of roles or structures change, conflict may occur causing some degree of instability. Margolis (2010) goes a step further by defining instability as the ‘absence of control.’ In his view, a society without law is a society without stability. He defines political stability to be the degree to which formal roles and structures coincide with informal roles and structures within a political object. The wider the ‘gap’, the greater the instability, which points to a sliding meaning scale between two outer poles. Where there is acceptance of the new roles and structures then most likely stability would still be maintained. In the unlikely circumstances that the changes are resisted by a section of the citizens then there may be elements of instability.

Many factors in unstable situations include the cheapening of human life, the dislocation of population, the disintegration of authority, the discrediting of the national leadership, material scarcity contributing to radical political change and violent mass action (Heslop n.d.). For stability to prosper, formal structures must meet citizens’ demands for inclusive leadership, accountability and democratic participation in decision making. A point in reference is Charles Amone’s paper (this volume) which concludes that although the 1995 Constitution of Uganda guarantees five fundamental rights including freedom from discrimination, respect for human dignity, protection from inhuman treatment and protection of freedom of conscience and religion, the Nubians of Northern Uganda have continuously suffered discrimination. They are unable to meet both their economic and social obligation. Stability in this context would entail empowering citizens, both men and women, as well as marginalized communities to improve their livelihoods.

The examples offered to illustrate the complex nature of the concepts *stability* and *instability* challenge any normative and essentialist assumption that stability is good while instability is bad. Holloway addresses the issue of instability by referring to *cracks* in the system, which he sees as moments when change becomes possible. He describes cracks as “The opening of a world that presents itself as closed. It is the opening of categories that on the surface negate the power of human doing” (Holloway 2010: 9). The corollary is that instability may provide new openings, while stability may at times be counter-productive to social change.

On a more negative note, stability in Sub-Saharan Africa remains fragile due to structural factors such as dependence, poverty and political conflicts. Many African countries are considered less stable due to their social, political economic and demographic vulnerability. Armed conflict increases instability in countries like Burundi, South Sudan and Democratic Republic of Congo. (Dumitru and Hayat 2015) and also the rich cultural ethnic diversity in Kenya is a trigger and

accelerator of conflict. The 2007-2008 post-election violence saw the height of instability in Kenya. However with the promulgation of the 2010 constitution, the Kenyan institutions of law are one measure to minimize similar occurrences.

Current research notes that the situation in Northern Uganda has improved since the cessation of violence in 2006, but stability remains tenuous. Findings by Person and Pedersen (2016: 2) show that “complex social, political and economic factors cause the region to remain highly susceptible to conflict almost 10 years after the displacement of the LRA, threatening not only Ugandan Citizens but also East African stability and US national security interest”. Meanwhile corruption, underemployment and unstable neighbouring countries such as South Sudan, and the Democratic Republic of Congo (DRC), which has led to a large refugee inflow risk and the spread of conflict to Uganda borders. This is the potential driver of social instability. Contributing to the concepts of peace, stability and security, the Norwegian Embassy in Uganda notes that; “the security challenges facing the world are becoming increasingly complex. Political solutions are needed to end wars and armed conflicts. Terrorism and organized crime have to be fought across national borders” (Royal Norwegian Embassy in Kampala n.d.).

Heslop (n.d.) further argued that crisis situations test the stability of political systems by placing demands on the political leadership, the structure and process of the systems. Participants in the Maendeleo Policy forum (2016) noted that democracy anywhere in the world is a work in progress. Different countries democratize differently based on their political culture, history and resource endowment. Election related disputes and tensions are the main causes of instability in contemporary Africa. Poor management of diversity has become a major source of unhealthy competition, conflict and instability. It has led to a decline of civic citizenship, preponderant rise of sectarian mobilization, violence and intimidation. The forum recommended that “electoral integrity is necessary to turn elections into instruments of promoting social cohesion and inclusion, creating political legitimacy and effective management of diversity [...] a credible election management system is central to democratic stability” (Maendeleo Policy Forum 2016: 3). Strengthening of political legitimacy and democracy would speak directly into Holloway’s idea of benefiting from temporary *cracks*, with the aim of creating a different world (Holloway 2010).

### 3. The concept of democracy

The word democracy comes from the Greek δημοκρατία *dēmokratía*, which literally means “rule of the people”. In the modern context, it is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body, such as a parliament. According to political scientist Larry Jay Diamond, democracy consists of four key elements: (a) A political system for choosing and replacing the government through free and fair elections; (b) The active participation of the people, as citizens, in politics and civic life; (c) Protection of the human rights of all citizens, and (d) A rule of law, in which the laws and procedures apply equally to all citizens. For the sake of simplification, let us gloss these key elements as (a) *legal equality* (b) *political freedom* and (c) *rule of law* (for a thorough discussion of democracy, see Diamond 2008). These principles are reflected in all eligible citizens being equal before the law and having equal access to legislative processes. For example, in a representative democracy, every vote has equal weight; no unreasonable restrictions can apply to anyone seeking to become a representative, provided they meet the minimum requirements set out in the Electoral Law. For example, in Uganda, you must be 35 years of age and hold an A-Level certificate, and you can stand as Member of Parliament as many times as you wish until you reach the upper age limit of 75 years. The freedom of its eligible citizens is secured by legitimized rights and liberties which are typically protected by a Constitution. The Ugandan president serves as both the head of state and head of government controlling most of the executive powers. The president serves for a

specific term and cannot exceed that amount of time. Elections typically have a fixed date and are not easily changed. The president has direct control over the cabinet, specifically appointing the cabinet members.

Diamond (1999, 2008) identifies the following main limits and requirements for Democracy. If democracy is to work, citizens must not only participate and exercise their rights. They must also observe certain principles and rules of democratic conduct. People must respect the law and reject violence. Nothing ever justifies using violence against your political opponents, just because you disagree with them. Every citizen must respect the rights of his or her fellow citizens, and their dignity as human beings. No one should denounce a political opponent as evil and illegitimate, just because they have different views. When you make demands, you should understand that in a democracy, it is impossible for everyone to achieve everything they want. If one group is always excluded and fails to be heard, it may turn against democracy in anger and frustration.

Michael Goodhart (2005) views democracy as human rights (DHR) which contains the core principles of democratic principles of freedom and equality and attempts to work out what their universal promise might require, once disentangled from sovereignty. He further argues that DHR is a political commitment to universal emancipation through securing the equal enjoyment of fundamental human rights for everyone and that since the 7th Century, emancipator democrats have understood democracy as a political promise of freedom from domination and unwarranted interference for all, and they have employed human rights as the language of democratic empowerment.

However, what we have so far looked at are political theories of democracy. True democracy as we understand the term now is not merely a political ideal but a way of life and thus includes all the social, political, religious, moral and economic aspects. It can further be argued that many countries have semblances of the political ideas which they exercise in combination with the personality cult of the President in power, especially in Parliamentary democracy. In some African countries, some political leaders openly flout the main principle parts of their Constitutions, thus leading to crisis and internal instabilities which might violate the democratic rights of their citizens. Examples here include but not limited to: Zimbabwe under Robert Mugabe; Democratic Republic of Congo under Joseph Kabila and Burundi under Pierre Nkurunziza. The Government is not accountable to the citizens in its political, social, religious and economic responsibilities. Where some citizens feel that the political leadership is not listening and able to solve their problems, they can resort to undemocratic actions to draw Government attention. In extreme cases, the disgruntled rebellion against the Government leads to armed conflict; a case in point is the 20 year insurgency in northern Uganda with its aftermath, which is discussed in Okumu's article (this volume). Democracy, according to Diamond (1999), requires compromise. This entails that the different groups enter into dialogue leading to solutions, but when this fails, one group may resort to other undemocratic means as it happened in Kenya after the 2007-elections and more recently after the nullified elections of 2017. The violence that erupted as a result of the breakdown in the democratic elections is partly discussed in Lumwamu's article (this volume). Together the examples of fragile democracies invite a discussion of democratic deficit.

### 3.1 Democratic deficit

The concept 'democratic deficit' adds a positive connotation to the concept democracy as it implies that democracy is a shared value envisaged by everybody. However, in her book *Democratic Deficit*, Pippa Norris explores attitudes towards the concept asking to what extent people value democracy. In the context of her study, values are understood as "the normative benchmarks or standards of evaluation that can be used to judge how well actions, policies, and events meet desirable goals" (Norris 2011: 96). On the basis of a World Values Survey, she found there to be

variation in how people value democracy and what they see as ‘desirable goals’. Although there was overall agreement that democracy is important, the concept was more strongly endorsed by citizens in nations with a long history of democratic rule. Viewed from a post-conflict country perspective, this might explain why there may at times be a need for elements of autocracy to keep a nation together. There thus seems to be a conflict between democracy, globalization and liberal ideologies that may materialize as democratic deficits.

The concept democratic deficit denotes a perceived deficiency in the way a particular political arrangement works in practice against a benchmark as to how it is supposed to work in theory. Although this definition does not preclude any democratic systems of political domination from potentially suffering from a democratic deficit, the use of the term mirrors a general, yet multifaceted dissatisfaction with the way democracy works in many countries.

The use of the term usually implies a connotation with a *procedural* perspective of democratic legitimacy. Decisions are thereby viewed as legitimate if they fulfil certain procedural requirements, such as direct or indirect citizen participation through elections as well as scrutiny and accountability of policy-makers (Oxford Reference n.d.). According to this definition there is a democratic deficit if decisions are not viewed as legitimate. In a similar vein, *Collins English Dictionary* (n.d.) defines democratic deficit as any situation in which there is believed to be a lack of democratic accountability and control over decision making process. The term is used where people argue that the Institutions (country) and their decision making procedures suffer from lack of democracy and seem inaccessible to the ordinary citizen, for example due to the complexity of the Institutions or State apparatus/machinery.

The complexity is sometimes deliberate so that the citizens cannot access Government or Institutional support by giving up because the procedures are too complex. For example, in Uganda to get a passport which is the right of every citizen, you have to get the passport application form which is in English. If the applicant is not educated, you need to get someone to fill it in at a fee. Then you go for recommendations from the Local Council-1-Chairman (LC1), LC2 and a host of other people (who also charge you stamp duty fees). Then you go to the Uganda Revenue Authority (URA) to pay for the application which you eventually lodge with Internal Affairs either in the Regional office or travel to Kampala incurring transport and accommodation costs if you do not have a relative in Kampala. You are told to either come back after a specific period or that you will be informed telephonically if you are lucky or that it will be sent to the Regional office. This example illustrates some of the complex and bureaucratic procedures which exclude citizens from effectively participating in Government decision making and thus creating democratic deficits.

Natalia Letki (n.d.), a Political Scientist, postulates that the term *democratic deficit* may be used to denote the absence or underdevelopment of key democratic institutions, but it may also be used to describe the various ways in which these institutions may fail to function properly (e.g., lack of transparency and accountability, technocratic decision making, inadequate participation of citizens in policy making). Evaluations of the level of democratic deficit focus on the procedural aspects of *democracy*, reflected in the mechanisms of representation and *decision making*. Therefore, the notion of democratic deficit encompasses distortions in the flow of influence from citizens to government. As such, it is closely associated with the issue of democratic legitimacy.

Letki (n.d.) and the other scholars on democratic deficit focus their attention on the European Union which is more or less a Federal democracy whereas in many African and South Asian countries there is Parliamentary separation of powers between the Executive (Presidency), Legislators (elected members of Parliament/Assembly/House (s)) and the Judiciary. Here the notion of democratic deficit encompasses distortions in the flow of influence from Government as the centre of power to the citizens as indicated earlier in the example of how complicated it is to get a passport in Uganda and many other Third World countries.

Social services are often disrupted when there is lack or deficit in democracy. The sectors worst affected are health and education. In northern Uganda, during the insurgency two generations lost out on education since many of the rural schools were either completely destroyed or the teachers and pupils were forced into the Internally Displaced People's camps (IDP). Some of the schools were relocated into the Towns or even outside the district. For example, the National Teachers' College located in Unyama which was a hot bed of the Lord's Resistance Army (LRA) within Gulu district was relocated to Hoima Town in Hoima district. Within the IDP camps there were learning centres but with little learning going on. At the national level, many of the northern schools which were previously performing well are now performing poorly as the region recovers from the 20 year insurgency and current land conflict. Most of the teachers and indeed students prefer to study in Central and other regions. Odama's article "The Impact of Examination Ridden System of Education on democracy in Education in Uganda" (this volume) discusses the decline in standards of these schools. The main finding is that the schools in the Central have teachers and students who operate in a more democratic environment. The Administrators motivate both the teachers and students giving them high morale and full participation in learning. They focus on passing exams unlike their counterparts in the northern schools where the teachers and students have low morale and cannot perform well in the examinations. He explains why this is so. The northern part of Uganda has been affected by the insurgency; the parents are poor and hence the Parent Teachers Associations cannot raise money as the one of the main motivating factor that can level the playing field between schools in the Central and those in the north. Other articles that discuss the lack of democracy in Education leading to violation of the rights of the citizens or job discriminations are those by Devkota: "Navigating exclusionary-inclusion: school experience of Dalit EFL learners in rural Nepal" and Sharma: "National level policy and local level practices". Both papers discuss the issue of Language policy with the focus on the National policy which, on the outset, looks democratic but turns out to be discriminatory, especially in rural Nepal. Both authors show how the Government of Nepal uses the English Language as a tool to discriminate against its own citizen. The Dalits who live in rural Nepal are excluded from the social stream of the educated class due to their inability to master English. Those who try to navigate the exclusion and inclusion policies are caught in a Catch 22 situation. Sharma (this volume) looks at a similar Government policy on the use of the English Language as a democratic tool of discrimination among the Nepalese. The National Language Policy is subverted by the Local Practices which favour teaching and learning in Nepalese. Two categories of citizens are produced: those who study in private schools exclusively in English have a chance of studying Science and Medicine giving them higher social level while those who study in Nepalese in schools controlled by the Local authorities are taught in Nepalese, and they may end up graduating in Business, Accounting and Education, opening job opportunities at the lower level of the job market. Both papers recommend that Government should review these undemocratic policies in the interest of national social policy. The call of these two authors for policy review is not to reject the democratic status of their Government because as Diamond (2004: n.p.) asserts, "Every group has the right to practice its culture and to have control over its own affairs but accept that it is a part of a democratic state". This naturally leads us into a discussion of rights issues.

#### **4. The concept of rights**

##### *4.1 Human rights*

The Universal Declaration of Human Rights was adopted on 10 December 1948. It consists of 30 articles that detail important concepts of rights, such as equality of all human being and rights to recognition as a human being. These include rights to freedom of religion, expression, social security, work and education. In the context of the articles brought in this volume, it is important

to note that everyone has a right to nationality which entails a right to freely participate in the cultural life of the community and the right to take part in government of his or her country (United Nations 1948/2017).

The concept of human rights has given rise to ardent debates and often contradicting perceptions of how the term should be interpreted, depending on which part of the *Universal Declaration of Human Rights* (United Nations 1948/2017) different scholars have focused on (Dorfman 2012). Human Rights may be seen as a philosophical concept about the individual, or it may be seen as a right protecting individuals or groups through law and administrative procedures enacting the law (Dorfman 2012). However, these rather vague conceptualizations of rights do not become meaningful until they are viewed through the lens of what Dorfman (2012: 135) has referred to as “A human rights lifeworld”, a term he borrows from Husserl (1970) to encompass how human rights are perceived in everyday life. Therefore, in the context of this volume, human rights come to life through the voices of the young poets in Indede’s article, the displaced people in Okumu’s and Amone’s articles, or through interviews with people who are denied citizenship (Biswakarma’s article) (for a discussion of human rights research in a lifeworld perspective, see Dorfman 2012. See also introduction by Dorfman & Simonsen 2012).

One of the issues relating to a human rights declaration is how to uphold its principles. This invariably invites a note on the relationship of human rights, democracy and the state. Fukuyama (2016) discusses what he sees as inherent tension between on the one hand a state that uses power, and on the other, law and democracy aiming at constraining the use of power. In the discussion he points to three relationships: citizen security, clientelism/corruption and national identity (2016: 127-134). He argues that “a minimal degree of security is necessary for democracy to exist” (2016: 127), but citizen security also depends on “the state’s ability to convert power into authority, that is, to secure the voluntary compliance of citizens with the state’s wishes based on their belief in the government’s fundamental legitimacy” (2016: 127) (see also Subedi, Shreesh and Mosters, this volume). As clientelism and corruption are not discussed to any significant degree in any of the articles of this volume, we will not address these concepts further, but only note in passing that clientelism and corruption understood as ‘misappropriation of public resources for private gain’ would seriously jeopardize the principles of human rights and democracy of a country. The issue of corruption, however, may have an impact on democracy in terms of excluding some citizens and including others, if officials of the state only serve the narrow interests of their regions (2016: 132). This is where national identity becomes important for state performance because “officials of the state need to be loyal to the broad public interest that it represents” (2016: 132). As noted by Fukuyama, “national identity is built around intangible things like traditions, symbols, shared historical memories, and common culture” (Fukuyama 2016: 133). As such it operates on a scale of constructed categories and delimiting exclusionary concepts such as national languages, borders, displacement of people, set standards for education, to name but a few.

#### 4.2 Threats to human rights

These exclusionary concepts may be seen as *threats to Human Rights*, a concept borrowed from Goodhart (2005). Goodhart distinguishes threats that cannot be anticipated, such as abnormal weather, from standard threats that are foreseeable and preventable at affordable cost. He asserts that although threats cannot be fully eliminated, threats such as “famine, poverty, political repression, and violence against women, are sadly commonplace. By analyzing and responding to such threats, it should in principle be possible to establish social guarantees at acceptable thresholds” (Goodhart 2005: 166). However, this would require representative political institutions including a strong state that is willing and able to guarantee the human rights of individuals. As noted by Goodhart (2005: 16, footnote) many states are too weak to do that, but “strong enough to



commit systemic human rights violations in the pursuit of wealth and power”.

In many countries across the world, institutional strength, including the strength of states, has been further weakened through globalization and market liberalization. This situation potentially puts democracy at risk as it may destabilize national economies and lead to social fragmentation, which Goodhart (2005: 11) succinctly refers to as “the flipside of globalization”. It goes without saying that instability, social fragmentation and infringement of human rights will put a pressure on people, which may result in migration.

#### *4.3 Migration as a consequence of weakened rights*

According to the UK-based Social Science Research Council (SSRC 2017), there is a growing pressure on people affected by social fragmentation, and this pressure is not likely to wane. This has led to rising migration numbers in Africa, the Middle East and Asia, and EU countries, including Denmark, have reacted to this unhappy situation by reinstituting strict border controls aimed at preventing migrants from mainly Syria, Iraq and Libya from entering Europe (SSRC 2017).

A study carried out by SSRC found that the migrants “do not leave their home countries intending to come to Europe [...] but move onwards due to violence, insecurity and a lack of protection as well as limited opportunities to rebuild a life” (SSRC 2017: n.p.). It was found that very few of the migrants had a firm idea of where they were going. Decisive factors for leaving a country and deciding on a destination were sooner to be found in the search for protection in Europe, combined with perceived economic prosperity, relatives living in a particular country or knowledge of a language. The study also found that migrants were prepared to take serious risks because “they do not believe there are any alternatives available to them” (SSRC 2017: n.p.). When crossing the Mediterranean and venturing into Europe – often by the intervention of human smugglers – the respondents had experienced severe violence, starvation, beatings and arbitrary detention, if they survived the journey at all (SSRC 2017).

Migrants seem to follow unplanned itineraries to avoid impenetrable borders or to take up opportunities that turn up on their way. They often try to bypass formal migration routes, thus putting existing border management systems under pressure (Casas-Cortes, Cobarrubias & Pickles 2015). Rather than viewing migration from a victimization perspective, Casas-Cortes et al. argue that migrants should be seen as “creative forces that constantly push institutional arrangements to shift their strategies and build new architectures” (2015: 898). In this perspective migrants have collective agency and should be understood as “a creative force” with the stamina to image new ways of movement and new ways of organizing life (for a related analysis of immigrant agency and citizenship, see Mezzadra 2011).

These examples all serve to illustrate how human rights are infringed on a daily basis, locally and globally, but they also indicate that human actors are capable of developing strategies and finding ways out. Together the articles of this volume – in one way or the other – give a voice to interviewees and respondents who have been faced with threats to their rights, but who have also demonstrated a will to redress the issues.

### **5. Synthesizing the concepts of stability, democracy and rights**

Our discussion of the concepts of stability, democracy and rights has brought to the fore some salient points that seem to pervade the articles of the volume. All of the articles address a problematic issue inherited from local as well as global democratic failure, leading to instability and infringement of rights. Definitions have suggested that stability requires regimes that are capable of controlling social developments and prevent change that may threaten the political system. However, it has also been suggested that stability can be safeguarded through *legitimate*

constitutional order, governmental resilience and what we have referred to as *democratic legitimacy*. It may thus be deduced that the role of the state is crucial when it comes to protecting democratic ideals and the security and rights of citizens. The state's ability to convert power into authority is thus of paramount importance, but this requires voluntary compliance of the citizens, who must hold a strong belief in the fundamental legitimacy of the state. The democratic shortfalls illustrated in the articles raise the pertinent question as to whether democracy is possible in fragile states or to what extent democracy may be in decline. Fukuyama (in Diamond & Plattner 2015) posits that *bad governance* could be one explanation as to why democracy might fail. In Fukuyama's view (2015: 12),

it has to do with a failure of institutionalization – the fact that state capacity in many new and existing democracies has not kept pace with popular demands for democratic accountability [...] It is the failure to establish modern, well-governed states that has been the Achilles heel of recent democratic transitions.

Yet, as observed by Plattner (2015: 6) good governance is not easy to accomplish in new democracies where, until recently, patrimonial state systems have been the norm, systems that have in many cases been replaced by neo-patrimonial state systems that pay lip-service to democracy and are only interested in personal gain (Fukuyama 2015). The examples of democratic failure illustrated in this volume might severely jeopardize state legitimacy and put the concept of democracy at risk. To guarantee stability and rights, there is a need for developing new forms of democracy that find a balance between state autocracy and citizen involvement through good governance (see Fukuyama 2015). However, as noted by Sen (1999) and corroborated by Norris (2011), the claim that democracy is a universal value is open to challenge. In a discussion of democracy as a universal value, Sen (1999) argues that “universal consent is not required for something to be a universal value” (Irudayam 2010: 159), a perspective upheld by the authors of this volume as, more often than not, the issues discussed are framed as results of democratic deficits put human rights at risk and thus jeopardize stability.

The articles in this volume are organized and sub-divided into four sub-thematic sections that all in one way or the other resonate with the overall themes. The concept of stability seen as a function of governance is fragile and may result from various kinds of democratic deficit, which in turn may lead to the first part of the contributions: **Migration and social fragmentation**.

In the article “The voice of reason by the children in the wilderness”, **Florence Indede** views the concept of rights and stability from the perspective of poetry. Applying a psycho-linguistic approach in analysing a small corpus of poems, she brings to the fore the desperate voices of children caught up in refugee camps. The article is set in the context of wars and tribal conflicts that expose innocent children to violence and force them into involuntary migration in search of their lost identities. Longing for peace, stability and security, the young poets express their emotions, hopes and griefs over the lost homelands. Through linguistic analysis of poetic stylistic devices, such as metaphoric allusions, tonal expressions and personification, she addresses the research question: “What are the feelings, hopes and aspirations of the young children in the refugee camps”. An important finding is that writing poems may be used as a stress-coping mechanism that resonates “on a deeper level reconnecting refugees to their cultural roots of their identity”.

In a similar vein, **Charles Okumu**'s article “The impact of returning home after the twenty-year armed conflict in the Acoli sub-region in Uganda” discusses the impact of insurgency on internally displaced Acoli, who went into exile or were forced to live in camps in Nwoya District in Uganda when the Lord's Resistance Army terrorized Northern Uganda from

1986 to 2006. In his article, he asks how returnees from the Internally Displaced People's Camps remember and describe their lived experiences and challenges resulting from internal displacement, and to what extent political agents take responsibility for finding solutions to the challenges met by the returnees. Using a qualitative approach with open-ended questionnaires, interviews and focus group discussions, he observes that the situation has led to a post-war conflict over land. Land that was owned by the returnees before the war has now been taken over by other displaced people or by wealthy people who have bought the land. The author points to possible solutions to the land conflict as construed by the interviewees.

The next section of the volume approaches the themes stability, democracy and rights from the perspective of **contested citizenship and religion**. The articles in this part deal with issues of identity resulting from exclusion based on ethnicity or religion. As demonstrated by the articles, social exclusion has dire consequences for belongingness and identity of specific groups who do not have the same rights as those who hold a citizenship or belong to a specific religion. The section consists of three articles that all focus on contested citizenship from the overall perspective of stability, democracy and rights.

In an article entitled "Citizenship and social security of landless Dalits in Nepal", **Tilak Biswakarma** explores how the lack of citizenship certificate affects people's civil, political and social rights. On the basis of interviews with 60 household heads, Biswakarma concludes that the lack of citizenship certificate and land owners certificate generates feelings of statelessness, however without affecting the patriotic sentiments among the Dalits, in spite of the discriminatory treatment by the Nepalese state towards the Dalits.

A similar situation is discussed by **Charles Amone** in his article "Contested citizenship, religious discrimination and the growth of Nubian identity in Northern Uganda". Viewed as relics of European colonialism and having served as soldiers of the British colonial government, the Nubian community in northern Uganda is viewed with scepticism and their citizenship and legitimacy is being contested leading to human rights violation, discrimination and conflict. The article illustrates how contested citizenship and religious discrimination helped build and sustain an ethnic identity among the Nubians. Based on interviews and archival records, Amone concludes that Nubians in northern Uganda face discrimination due to their history and religion; however, discrimination has helped them sustain an identity and defend their citizenship.

To illustrate religious tension and the challenges faced by the Nepalese state in upholding an image of secularization and disinvolvement in religious matters, **Shurendra Ghimire** draws a complex scenario in which Hinduism, Christianity and secular groups in Nepal compete for power, favours and identities. Approaching this issue through an ethnographic study, Ghimire argues that religious groupings are competing for public support and resources, which divides communities into indigenous versus non-indigenous forms of religion, but also compels the indigenous religions to revive and redefine their identities, if the non-indigenous religions are to be resisted.

The third part of the volume is entitled: **Democratic deficit in education**. In education, democratic deficit may come in many shapes. An example of this may be that there is no freedom of choice, as to which school your child should attend. You have to send the child to the school where the pass rate is the highest because they have the best teachers who are highly motivated through financial inducement from Parent Teachers Association (PTA). These schools are mostly private or religious founded schools. On the other hand, parents have choices in the Government schools with democratic deficit because parents and teachers have no say in the decision making or participation in the running of the schools since Government imposes rules from above which affect their children and the welfare of the teachers.

This scenario forms the basis of **Stephen Odama's** paper, "The impact of examination ridden system of education on democracy in education in Uganda: an implication for policy

change”. The paper examines two sets of schools in Uganda: those in the Central and those in the north. Odama’s hypothesis is that up to the 1980s many schools in the northern part of Uganda were performing better in the national examinations than schools in central Uganda. There was democratic freedom in Education with freedom of choice. Parents chose which schools their children could attend and the north was attractive for many parents and teachers to choose which schools to teach in. Odama’s findings show that the schools in the central perform better than schools in the north primarily because there is democracy in the administration of these schools. Odama’s recommendations are: school managers, especially those in the north, make schools and schooling more democratic by making the learning environment conducive to both teachers and students.

**Kamal Devkota’s** paper, “Navigating exclusionary-inclusion: school experience of Dalit EFL learners in rural Nepal” focuses on Government Language policy which it proclaims to be democratic and inclusive but in practice it is not democratic with respect to the education of the Dalit learners in rural Nepal. Kamal’s research data supports his contention that: “The policy-practice ambiguities and caste-class-gender intersections with ELOs are some domains that challenge the very ideal of social inclusion of Dalit children in schools and EFL classrooms”. The current Language policy in Nepal negates its obligation to inclusive education for the Dalit in rural Nepal. Kama’s recommendation is that: “These domains should be addressed in policy formation, and school and (EFL) classroom manifestation to ensure the true inclusion of these socially, culturally and economically marginalized Dalit children in rural Nepal”.

Democratic deficit in Nepal’s educational system is also the subject of **Hari Maya Sharmas’s** paper, “National level policy and local level practices: a multilayered analysis of language policy practices in Nepalese school education”. Sharma’s data was collected from three schools implementing the National Level Language policy which is supposed to be democratic. Sharma concludes that “policy appropriation does not always benefit the targeted groups, instead they might create/and or deepen inequalities”.

The last part of the volume entitled **Inequality and human rights** consists of five articles that address the overall theme from different perspectives that all address some aspect of lack of equality and infringement of human rights. The issues discussed involve perceived inequality in relation to post-election justice, livelihood rights, land rights, gender rights and the right to service delivery.

**Philip Lumwamu, Florence Indede and Peter Matu** address the issue of inequality and Human Rights in an article that focuses on metaphoric conceptualization of International Criminal Court (ICC) indictment discourse in Kenya, in the aftermath of the 2007-08 election violence. Through analysis of printed media from media libraries in Kenya, the article integrates conceptual metaphor theory and social theory to explore how Kiswahili metaphors have been used in the general debates about ICC in Kenya and how they build different conceptual framework of often mixed and contradicting emotions. The authors argue that using Kiswahili metaphors relating to familiar aspects within the Kenyan environment may have an impact on how ICC is conceptualized. The pre-meditated use of metaphor may thus bridge a gap between emotion and people’s sense of justice, thus assisting the peace and reconciliation process.

From a slightly different perspective, **Sulayman Babiiha** discusses the rights of human beings to protect their land against animals that destroy their crops. Using an ethnographic approach, and focusing on a tourism centre project, the author explores the ethical dilemma of protection of wildlife versus safeguarding the rights of a local community in Northern Uganda to rebuild their agricultural livelihoods in the aftermath of 20 years of civil war. Babiiha concludes that what started out as a post-war participatory development project aimed at protecting wildlife as well as local farming initiatives, ended up generating a new zone of conflict between the local

community, wildlife officials and local governance structures.

The 20 years of civil war in northern Uganda severely infringed rights to livelihood and had detrimental effects on access to land to men and women in the rural areas. This is the key issue discussed in **Stella Laloyo Apecu's** article, which focuses on struggles over access, control and ownership rights in relation to land among women and men in northern Uganda. Important findings were that many women had relational access to land through their marriage, which – due to a patriarchal system - gave them fragile land rights. Men on the other hand had firm control over land and made final decisions relating to sales and land use.

Gender is also in focus in **Meena Gurung's** article that is situated in post-conflict Nepal. Through a thorough discussion of *Ghardhanda* – a deep-rooted power structure that she describes as “a neglected political discourse”. Based on data from fieldwork, the author argues that *Ghardhanda* not only constrains women's progress but also impacts on intersectional gender balance in the long term. Importantly, Gurung questions the controversial boundaries between contemporary representative politics and the tradition of *Ghardhandha*.

Set in a scenario of armed conflict in Nepal from 2002-2006, **Subedi, Shreesh and Mostert** discuss the rights issue from the perspective of service delivery and infrastructure. Focusing on a road construction case, the road to Rolpa, they explore to what extent service delivery by non-state organisations, in this case the Maoist insurgents, might have affected state legitimacy. Through in-depth interviews with a variety of stakeholders constructing the road, they found that in spite of hardship imposed on local citizens, it was more important for people that services were delivered than who delivered them. Legitimacy was granted to Maoists for what was delivered, but the government also regained some legitimacy as a result of oppressive working conditions imposed by the Maoists.

**Florence Ngesa Indede** is an Associate Professor - Kiswahili Studies, Maseno University. Holds a PhD degree in Kiswahili Studies from Maseno University, which benefited from a DAAD Scholarship studies at Bayreuth University, Germany; a Master's Degree in Kiswahili Studies and a Bachelor of Education degree from The University of Nairobi, Kenya. A team member of the BSU and MAGAART Projects; and part of the Head Editorial Board MAGAART Publication Committee. Chairman Kenya DAAD Scholars Association. An active participant in Dialogue for Innovative Higher Education Strategies (DIES) programs.

E-mail: indede2001@yahoo.com

**Inger Lassen** is Professor of Discourse and Communication at Aalborg University. She obtained a PhD degree in linguistics and professional practice in 1999. Until 2016 she was director of the doctoral programme Discourse and Contemporary Culture at Aalborg University. Since 2011 she has participated actively in a capacity-building project with Kenya, Uganda and Nepal. She currently teaches and supervises undergraduate, postgraduate and PhD students within the fields of genre, discourse and organizational studies. Her publications include two monographs and two co-edited anthologies entitled *Mediating Ideology in Text and Image* and *Living with Patriarchy* published by Benjamins. She publishes widely in international journals.

E-mail: inglas@cgs.aau.dk

**Charles Nelson Okumu** is Associate Professor of Literary and Cultural Studies, affiliated to the Department of Languages and Literature at Gulu University, Uganda. Area of research: Literature and culture in general and African Literature and culture as current research area.

E-mail: c.n.okumu@gu.ac.ug; charles.okumu52@gmail.com

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